

REMARKS

This is in response to the Office Action dated November 24, 2009. With this response, claims 1, 7 and 15 are amended; claims 5 and 10-14 are cancelled; and all pending claims 1, 3-4, 7-9, 15 and 17 are presented for reconsideration and favorable action.

In the Office Action, claim 1 was rejected based upon Hildebrandt et al. US4203517 in view of Goncalves US4386696. With this response, claim 1 has been amended to clarify a typographical error. Applicant notes that the Goncalves reference does not show a plurality of exhausting pieces which extend radially inward and into an exhausting space of the container and include bending portions for selectively separating an inner cap body from a storage tube. Figure 2 of Goncalves is cited as showing this element, however, that figure shows radial slots 13 which extend radially outward from a cap 4, where the cap 4 fits within a neck 2. This provides a diameter which adjusts to the neck and permits the cap to be positioned on the container more easily (see column 6, lines 25-30 of Goncalves). Thus, the reference does not show exhausting pieces which extend radially inward as set forth in the pending claims. Further, the exhausting pieces are not used for selectively separating the inner cap body from the storage tube. Therefore, the rejection should be withdrawn.

In the Office Action, claim 5 was rejected. However, that claim has been cancelled.

Independent claim 7 was rejected based upon Lee KR2003-0096163. Claim 7 has been amended to clarify that the hooking step is on the exhausting portion and abuts a stopper on the storage member and thereby limits movement of the storage member. This is illustrated at, for example, elements 412 (stop or) and 402 (hooking step) shown in Figure 9 of the instant application. In contrast, the cited elements of Lee (elements 4 and 112) would not limit movement of the storage member and are not positioned as set forth in amended claim 7. Therefore, the rejection should be withdrawn.

In the Office Action, claims 10-14 was rejected. With this response, those claims have been cancelled and the rejection may be withdrawn.

In the Office Action, claim 15 was rejected based upon Goncalves. However, as discussed above, Goncalves should does not show the claimed exhausting portions as set forth in

amended claim 15. Therefore, it is believed that claim 15 is in condition for allowance.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejection claims in further prosecution of this or related applications.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Consideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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